



**Office of the Attorney General
State of Texas**

DAN MORALES
ATTORNEY GENERAL

August 20, 1993

Honorable Ken Armbrister
Chair
Committee on Intergovernmental Relations
Texas State Senate
P.O. Box 12068
Austin, Texas 78711

Letter Opinion No. 93-63

Re: Whether lawyers can execute
bail bonds or act as sureties on such
bonds for persons who are not their
clients (RQ-554)

Dear Senator Armbrister:

You ask whether lawyers can execute bail bonds or act as sureties on such bonds for persons who are not their clients. Section 3 of article 2372p-3 (the "act"), V.T.C.S., provides in pertinent part as follows:

Sec. 3. The provisions of this Act apply only to the execution of bail bonds in counties having a population of more than 110,000 according to the last federal census or in counties of less than 110,000 where a [county bail bond] board has been created. . . .

(a) In a county that has a board, no person may act as a bondsman except:

(1) persons licensed under this Act, and

(2) persons licensed to practice law in this state who meet the requirements set forth in Subsection (e) of Section 3 of this Act.

. . . .

(e) Persons licensed to practice law in this state may execute bail bonds or act as sureties for persons they actually represent in criminal cases without being licensed under this Act.

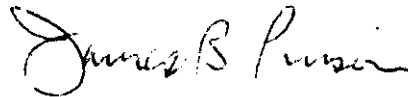
The act contains no prohibition against an attorney's executing or acting as a surety on a bail bond for a person who is not a client of that attorney in the matter relating to the bail bond. Rather, the act expressly grants lawyers an exemption from the license requirement, but only for bail bonds for persons who are their clients in the criminal matters in which the bonds are posted. V.T.C.S. art. 2372p-3, § 3(e). In a county that has a county bail bond board, a Texas lawyer may execute or act as a surety on a bail bond

for a person who is not his or her client in the same matter only if the lawyer is licensed as a bail bondsman under the act. *Id.* § 3(a)(1).

S U M M A R Y

In a county that has a county bail bond board, a Texas lawyer may execute or act as a surety on a bail bond for a person who is not his or her client in the same matter only if the lawyer is licensed as a bail bondsman under article 2372p-3, V.T.C.S.

Yours very truly,

A handwritten signature in cursive script, appearing to read "James B. Pinson".

James B. Pinson
Assistant Attorney General
Opinion Committee